

PTO/SB/64 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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JFW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

Cura 468

First named inventor: GUO

Application No.: 09/981,151

Art Unit: 1631

Filed: October 16, 2001

Examiner: James Martinell

Title: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in
the form of Response (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

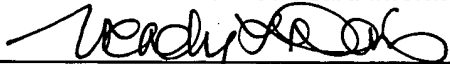
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<p><u></u> Signature</p> <p>_____ Typed or printed name</p> <p>Wendy L. Davis</p> <p>_____ Address</p> <p>CuraGen Corporation</p> <p>_____ Address</p> <p>555 Long Wharf Drive New Haven, CT 06511</p>	<p><u>April 18, 2005</u> Date</p> <p>_____ Registration Number, if applicable</p> <p>38,427</p> <p>_____ Telephone Number</p> <p>203 974-6310</p>
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- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Sequence Listing

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

Date

Signature

Typed or printed name of person signing certificate



Date of Deposit: April 19, 2005

Attorney Docket No. 21402-168 (Cura 468)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Guo
SERIAL NUMBER: 09/981,151 EXAMINER: James Martinell
FILING DATE: October 16, 2001 ART UNIT: 1631
FOR: Proteins and Nucleic Acids Encoding Same.

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

PETITION FEE TRANSMITTAL UNDER 37 CFR 1.17 (m)

Enclosed is a petition filed under 37 CFR 1.137(b) that requires a processing fee (37 CFR 1.17(m)). Payment of \$750 is enclosed. Applicant claims small entity status.

Payment of Fees:

The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(m) and any deficiency of fees and credit of any overpayments to Deposit Account No. 502648, Reference No. Cura 468 (21402-168).

Respectfully submitted,

Wendy L. Davis, Reg. No. 38,427

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Dated: April 18, 2005